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EXAMINER
GOODCHILD, WILLIAM J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-45* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim(s) 32-34 are drawn towards a computer-readable media. In accordance with Applicant's specification (page 23, lines 4-14) the computer-readable media may be an electromagnetic signal "Computer 100 can include a variety of computer-readable media identified as communication media. Communication media typically embodies computer-readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media... Combinations of any of the above are also included within the scope of computer-readable media.". This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object

which is some form of matter to be a product and constitute a manufacture, and not a

composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 4, 7-10, 13-15, 26-27, 32 and 34 are rejected under 35 U.S.C. 102(b)

as being anticipated by Swain et al., (US Publication No. 2001/0047516), (hereinafter

Swain).

Regarding claims 1, 26 and 32, Swain discloses receiving information from a user about

a broadcast multimedia content stream generated by a content server in a computer

network [paragraph 15, user interface enables user to form a request, figures 2-3],

wherein the received information includes:

a specified time frame associated with the multimedia content steam [paragraph 15, the

request includes date, time and network location and paragraphs 25-26]; and

a designated uniform resource locator (URL) of the content server [paragraph 15, the

request includes date, time and network location and paragraphs 25-26];

scheduling a recording of the multimedia content stream at the designated URL at the

specified time [paragraphs 15 and 25-26];

receiving the multimedia content stream from the content server at the designated URL

[paragraph 13]; and

saving the multimedia content stream in a system memory during the specified time

frame [paragraphs 13, 16 and 37].

Regarding claim 4, Swain discloses facilitating an output of the multimedia content

stream [paragraph 17].

Regarding claim 7, Swain discloses receiving information about the multimedia content

stream includes receiving a scheduled recording task [paragraphs 15 and 25-26].

Regarding claim 8, Swain discloses the scheduled recording task includes at least one

of a unique task identifier, a user account identifier, a title, a start time, a start date, an

end time, an end date, a recording duration, a URL, a local storage location, a recording

quality identifier, and connection settings [paragraphs 15, 25-26 and 30].

Regarding claim 9, Swain discloses at the specified time, automatically connecting to

the content server [paragraphs 15, 25-26 and 30].

Regarding claim 10, Swain discloses automatically connecting to the content server is

performed in accordance with connection settings included in the information about the

multimedia content stream [paragraphs 30-34].

Regarding claim 13, Swain discloses the multimedia content stream includes at least

one of an on-demand content stream and a broadcast stream [paragraphs 25-26 and

30].

Regarding claim 14, Swain discloses the computer network includes at least one of a

local are network (LAN), a wide area network (WAN), and the Internet [paragraph 28

and figure 1].

Regarding claim 15, Swain discloses computer-readable memories containing a

computer program that is executable by a processor [paragraph 29].

Regarding claim 27, Swain discloses means for receiving the information from one or

more application programs [paragraph 27].

Regarding claim 34, Swain discloses the computer program further causes the one or

more processors to obtain the information from a content index [paragraph 16].

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11-12, 16-19, 22-25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swain, and further in view of Pirhonen et al., (US Publication No. 2004/0028062), (hereinafter Pirhonen).

Regarding claim 11, Swain does not specifically disclose receiving the multimedia content stream includes specifying a quality of the stream. However Pirhonen discloses the bandwidth and thereby the quality of service is allocated and managed [Pirhonen, paragraph 26, lines 4-8].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of determining a bandwidth / quality of service in order to provide the user with the option of a lower quality service or a higher quality of service based on the bandwidth and the amount of time and space the user has available.

Regarding claim 12, Swain-Pirhonen further discloses receiving the multimedia content stream includes specifying a quality of the stream in relation to a bandwidth associated with a network connection [Pirhonen, paragraph 26, lines 4-8].

Regarding claims 16 and 29, Swain-Pirhonen further discloses enabling a user to schedule a recording of a broadcast multimedia content stream at a specified time

frame and at a designated uniform resource locator (URL) [Swain, paragraphs 15 and

25-26 and figures 2-3];

creating a scheduled recording task that includes information about the recording of the

multimedia content stream, wherein the information about the recording includes

specifying a quality of the stream in relation to a bandwidth associated with a network

connection [Pirhonen, paragraph 26, lines 4-8];

sending the scheduled recording task to a recording service configured to perform the

scheduled recording task [Swain, paragraph 13]; and

tracking the scheduled recording task, whereby the tracked scheduled recording task

facilitates an output to the user [Swain, paragraph 40].

Regarding claims 17 and 30, Swain further discloses enabling the user to schedule the

recording includes providing a user interface that enables the user to input the

information about the recording [Swain, paragraph 15].

Regarding claim 18, Swain further discloses the information about the recording

includes at least one of a title, a start time, a start date, and end time, and end date, a

recording duration, a URL, a location in system memory, a recording quality identifier,

recurring data and connection settings [Swain, paragraphs 15, 25-26 and 30].

Regarding claims 19 and 31, Swain further discloses enabling the user to schedule the recording includes enabling the user to create recurring recordings [Swain, paragraph 31].

Regarding claim 22, Swain further discloses tracking the scheduled recording task includes obtaining a status of the scheduled recording task from the recording service [Swain, paragraph 40].

Regarding claim 23, Swain further discloses tracking the scheduled recording task includes providing the status to the user [Swain, paragraph 40].

Regarding claim 24, Swain further discloses if the multimedia content stream is successfully recorded, enabling the user to access the recorded multimedia content stream [Swain, paragraph 36].

Regarding claim 25, Swain discloses computer-readable memories containing a computer program that is executable by a processor [Swain, paragraph 29].

6.   Claims 2-3, 28, 33, 35, 37-38 and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swain, and further in view of Lindqvist et al., (US Publication No. 2003/0088778), (hereinafter Lindqvist).

Regarding claims 2, 28 and 33, Swain does not specifically disclose saving the multimedia content stream in a system memory includes encrypting the multimedia content stream using a digital rights management (DRM) system. However, Lindqvist discloses addition of digital rights management (DRM) data [Lindqvist, paragraphs 77 and 144]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include DRM security measures in order to provide access control and copy protection for the content.

Regarding claim 3, Swain-Lindqvist further discloses the DRM system is configured to restrict access to the recording to a predetermined device associated with the user [Lindqvist, paragraph 144].

Regarding claim 35, Swain-Lindqvist further discloses a network interface configured to connect to a computer network [Swain, paragraph 17]; and a memory [Swain, paragraph 17] that includes;
a scheduled recording service configured to receive a scheduled recording task that includes information about a multimedia content stream provided by a device in the computer network [Swain, paragraphs 15 and 25-26 and figures 2-3], schedule a recording of the multimedia content stream at a specified time [Swain, paragraphs 15 and 25-26 and figures 2-3], receive the multimedia content steam from the device [Swain, paragraph 13], and save the multimedia content stream in the memory [Swain, paragraphs 13, 16 and 37],

including encrypting the multimedia content stream using a digital rights management

(DRM) system [Lindqvist, paragraph 77]; and

a connection manager configured to receive a network location of the multimedia

content stream [Swain, paragraphs 15 and 25-26], and establish a connection between

the schedule recording service and the multimedia content using the network interface

[Swain, paragraphs 15 and 25-26].

Regarding claim 37, Swain further discloses the scheduled recording service is further

configured to operate independent of a user account [Swain, paragraphs 15-16].

Regarding claim 38, Swain further discloses the connection manager is further

configured to automatically establish a network connection with the device through the

network interface for receiving the multimedia content stream [Swain, paragraph 27].

Regarding claim 40, Swain further discloses the scheduled recording service is further

configured to maintain a configuration file that includes information about the scheduled

recording task [Swain, paragraph 32].

Regarding claim 41, Swain further discloses the scheduled recording service is further

configured to maintain a log file that includes a status associated with the scheduled

recording task [Swain, paragraph 37].

Regarding claim 42, Swain further discloses the memory further includes a scheduling

application configured to enable a user to schedule a recording of the multimedia

content stream at the specified time [Swain, paragraphs 15 and 25-26 and figures 2-3],

create the scheduled recording task that includes the information about the recording

[Swain, paragraphs 15 and 25-26 and figures 2-3], send the scheduled recording task to

the scheduled recording service [[Swain, paragraph 13]; and track the scheduled

recording task [Swain, paragraph 40].

Regarding claim 43, Swain further discloses the scheduling application is further

configured to provide a user interface to the user for scheduling the recording [Swain,

paragraph 15].

Regarding claim 44, Swain further discloses the scheduling application is further

configured to provide a user interface to the user for tracking the recording [Swain,

paragraph 40].

Regarding claim 45, Swain further discloses the scheduling application is further

configured to enable the user to schedule recurring recordings [Swain, paragraph 31].

7.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swain as

applied to claim 1 above, and further in view of Gile et al., (US Publication No.

2002/0035610), (hereinafter Gile).

Regarding claim 5, Swain does not specifically disclose the information about the multimedia content stream is received through an application program interface. However, Gile discloses API's used for playing multimedia content [Gile, paragraph 26, lines 18-23 and appendix A]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include API's for multimedia content to provide requests for services made by computer programs in order to provide multimedia content to the user.

8.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swain-Gile as applied to claim 5 above, and further in view of Walsh et al., (US Publication No. 2006/0031557), (hereinafter Walsh).

Regarding claim 6, Swain-Gile does not specifically disclose the application program interface includes a distributed component object model (DCOM) interface. However, Walsh discloses the use of using an inter-process communication of DCOM [Walsh, paragraph 34, lines 23-28]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of an inter-process communication such as DCOM in order to allow for software components distributed across several networked computers to communicate with each other.

9.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swain-Lindqvist as applied to claim 35 above, and further in view of Gile.

Regarding claim 36, Swain-Lindqvist does not specifically disclose the scheduled recording service is further configured to provide an application program interface for interacting with application programs. However, Gile discloses API's used for playing multimedia content [Gile, paragraph 26, lines 18-23 and appendix A]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include API's for multimedia content to provide requests for services made by computer programs in order to provide multimedia content to the user.

10.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swain-Pirhonen as applied to claim16 above, and further in view of Gile.

Regarding claim 20, Swain does not specifically disclose sending the scheduled recording task to the recording service includes interacting with the recording service through an application program interface. However, Gile discloses API's used for playing multimedia content [Gile, paragraph 26, lines 18-23 and appendix A]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include API's for multimedia content to provide requests for services made by computer programs in order to provide multimedia content to the user.

11.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swain-

Pirhonen-Gile as applied to claim 20 above, and further in view of Walsh.

Regarding claim 21, Swain-Pirhonen-Gile does not specifically disclose the application

program interface is a DCOM interface. However, Walsh discloses the use of using an

inter-process communication of DCOM [Walsh, paragraph 34, lines 23-28]. It would

have been obvious to one having ordinary skill in the art at the time the invention was

made to include the use of an inter-process communication such as DCOM in order to

allow for software components distributed across several networked computers to

communicate with each other.

12.   Claim 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Swain-

Lindqvist as applied to claim35 above, and further in view of Pirhonen.

Regarding claim 39, Swain-Lindqvist does not specifically disclose the scheduled

recording service is further configured to specify a quality associated with the

multimedia content stream. However Pirhonen discloses the bandwidth and thereby the

quality of service is allocated and managed [Pirhonen, paragraph 26, lines 4-8].

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include the use of determining a bandwidth / quality of service in

order to provide the user with the option of a lower quality service or a higher quality of

service based on the bandwidth and the amount of time and space the user has

available.

Response to Arguments

13. Applicant's arguments with respect to claims 1-45 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is

(571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM -

4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
04/21/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145